

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

FRANKLIN E. ROBSON,)	
)	CIVIL ACTION NO. 3:09-02553-MBS-JRM
Plaintiff,)	
)	
v.)	
)	ORDER
)	
COMMISSIONER OF THE)	
SOCIAL SECURITY)	
ADMINISTRATION,)	
)	
Defendant.)	
_____)	

This is a Social Security case filed by the Plaintiff, *pro se*, on September 30, 2009, pursuant to 42 U.S.C. § 405(g). On October 6, 2009, the undersigned issued an order authorizing service of process and directing the Clerk of Court to forward copies of the complaint and newly-issued summonses to the Plaintiff for service on the Defendant (hereinafter “the Commissioner”). Plaintiff was also instructed that he was responsible for service of process and of the procedure for serving an agency of the United States as provided by Rule 4(I), Fed.R.Civ.P. *See* Order filed October 6, 2009 (Docket No. 6).

On February 9, 2010, the undersigned, noting that there was no record that the Commissioner was served with the summons and complaint, issued an order reminding Plaintiff that he was responsible for service. Plaintiff was warned that if he did not furnish the Court with proof that service had been effected or show good cause for failure to serve by February 18, 2010, the



undersigned would recommend that this case be dismissed pursuant to Fed. R. Civ. P. 4(m).

On February 17, 2010, Plaintiff filed a motion requesting an extension of time in which to provide proof of service to the Court. Plaintiff's motion was granted and he was given until March 23, 2010 in which to provide proof of service to the Court. On March 23, 2010, the summons was returned executed and the Commissioner thereafter filed its Answer and Transcript on June 15, 2010.

Pursuant to Local Civil Rule 83.VII.04 DSC, the Plaintiff may file a written brief within thirty (30) days of the filing of the Commissioner's Answer. Plaintiff's brief was due by July 19, 2010. Plaintiff has not filed a brief within the requisite period. **Plaintiff shall file his brief on or before August 13, 2010. Failure to do so may result in a recommendation that this case be dismissed for failure to prosecute pursuant to Fed. R. Civ. P. 41(b).**

Pursuant to Local Civil Rule 83.VII.05 DSC, the Commissioner is allowed forty days following the filing of a brief by Plaintiff to file its own brief in support of the Commissioner's decision. **The Commissioner may file his brief within forty days of the filing of Plaintiff's brief, or if Plaintiff elects not to file a brief, within forty days after the deadline for Plaintiff to file his brief (August 13, 2010).**

IT IS SO ORDERED.



JOSEPH R. MCCROREY
UNITED STATES MAGISTRATE JUDGE

July 28, 2010
Columbia, South Carolina